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Wm Samuel J. Lilder
With the Regards of
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In Memory of

Charles O'Connor.



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1884

Died,

May 12, 1884,

Charles O'Connor.



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1884





Report of a Meeting
of
The Bar of the Courts of the State of
New York and of the United States,
for the
Second Circuit,
Held in the City of New York, on
Friday, May 23d, 1884.





AT a preliminary meeting of the members of the Bar, held in the City of New York, on the 14th of May, 1884, the following gentlemen were appointed a committee to make arrangements for a future meeting to pay a tribute of respect to the memory of CHARLES O'CONOR :

BENJAMIN D. SILLIMAN,

WILLIAM FULLERTON,

CHARLES A. PEABODY,

A. J. VANDERPOEL,

WILLIAM D. SHIPMAN,

CLARENCE A. SEWARD,

ELIHU ROOT.

Such committee thereupon issued the following notice:

The members of the Bar are requested to meet in the General Term Room of the Supreme Court on Friday, May 23d, at 2 o'clock P. M., to take such action as may be proper in reference to the death of

Mr. Charles O'Conor.



Meeting of the Bar.

AT a meeting held in pursuance of the foregoing notice, in the General Term room of the Supreme Court, on Friday, May 23, 1884, at 2 o'clock P. M., the following proceedings were had :

The meeting was called to order by Mr. WILLIAM FULLERTON, who nominated as Chairman the Honorable WILLIAM C. RUGER, Chief Judge of the Court of Appeals.

The nomination was ratified, and the Hon. WILLIAM C. RUGER took the chair and said :

Gentlemen of the Bar : While the occasion that calls us together to-day is surrounded by many melancholy associations, the spirit of this meeting need not necessarily be affected thereby, for we have assembled not to mourn, but to honor our deceased brother, and to review a professional record which is filled with the history of hard-fought contests and well-earned victories extending over a period of time unrivalled in our annals for length of service and brilliancy of professional achievement.

It would have been a cause of regret to me if I had been denied the opportunity of meeting with my pro-

fessional brethren and testifying, at least by my presence, to the high regard and esteem entertained for the character and ability of the distinguished lawyer who so recently died in his retirement on the shore of the sea. Assemblages like the present derive their only value from the intrinsic worth and merit of the individual whose memory they are intended to honor, and the propriety with which their lives may be presented as examples for the imitation and instruction of the living.

There is, therefore, eminent propriety in our action in calling the attention of the public to the character of O'Connor, for it was in all of its aspects justly worthy of emulation by those who desire to excel in the profession which his services and labor did so much to adorn.

It must be obvious to the most casual observer that no one could have attained his acknowledged standing in the profession, and maintained it for so long a period of time, without the possession of great natural abilities, trained to their highest development by systematic labor and study.

For upward of half a century, with conscious strength, in the estimation of the public, he maintained a supremacy in the ranks of the legal profession that was never seriously threatened by any of his contemporaries.

The lesson of his life is indisputably that which teaches us the truth, which it is so hard for many to learn and still harder to follow, that the acquisition of the highest honors of professional life are not to be

gained by the inspiration of genius, or even the possession of great intellectual power alone, but these must be supplemented and reinforced by habits of patient research and unremitting labor.

Surely, if any one could have safely dispensed with the toil and drudgery of professional life, it would have been one like O'Connor, who started in the race of life equipped with the advantage of a lofty intellect, and a mind which seemed intuitively to comprehend and appreciate the subtlest problems of legal science, yet even he, left no labor unperformed which tended to aid him in accomplishing the object of his pursuit.

But in the presence of his professional brethren, who knew him so well, and enjoyed long years of professional and social intimacy with him, it would be presumptuous in me to undertake to speak in detail of his professional or personal characteristics.

I never enjoyed the personal acquaintance of Mr. O'Connor, and knew him only from those casual opportunities of meetings afforded by professional life and through his public reputation.

I remember now the first occasion upon which I ever saw him.

He then represented this city as one of its delegates in a State Convention held at Syracuse.

I have forgotten even the year in which it occurred, but it was at a time long since past, when political parties thought it an advantage to be represented in the councils of the State by the services of men eminent for their ability and character.

He was then selected to perform the duty of draft-

ing and reading the resolutions which it is customary to produce on such an occasion.

I recollect with great distinctness the wonderful charm with which his striking presence and graceful yet animated elocution invested that generally quite uninteresting performance. But realizing that there are among the audience many associates of our deceased brother who can speak with more familiarity of his virtues and character than a comparative stranger, and who are competent to contribute to his memory eulogiums rivaling in felicity of thought and grace of expression even those which might have been in his lifetime pronounced by him, I am admonished by a sense of propriety not to delay your anticipated opportunity of hearing them.

I therefore invite your attention to the prescribed order of proceedings.

Mr. BENJAMIN H. BRISTOW nominated as Vice-presidents of the meeting Judges DAVIS, C. P. DALY, SEDGWICK, WALLACE, BROWN, BENEDICT and McADAM; Surrogate ROLLINS and Recorder SMYTHE, who were thereupon elected.

Mr. JAMES THOMSON nominated as Secretaries of the meeting BENJAMIN F. DUNNING and HORACE RUSSELL, and they were thereupon elected.

Mr. CLARENCE A. SEWARD then said :

Mr. Chairman: I am instructed by the Com-

mittee to offer for the consideration of this meeting the following preamble and resolutions :

The Bar of the Courts of the State of New York, and of the United States Courts of this Circuit, called together upon the occasion of the death of Charles O'Connor, adopt these resolutions :

Resolved, That in the death of Charles O'Connor we part with a member of our profession whom we have been accustomed to esteem as almost the embodiment of the qualities, mental and moral, which should enter into and constitute the character of a great jurist and advocate.

Resolved, That in his unequalled professional attainments, and in his intellectual power, we discover whatever is to be held in reverence in those departments of character by a profession appreciative of learning and mental ability.

Resolved, That in his high moral qualities and characteristics we feel a pride, which seems to us just, in being able to point to him as an example in every respect worthy of our emulation and of being commended to aspirants for the highest places in our profession, and in other elevated walks of life.

Resolved, That in his untiring industry and zeal, prompted by a nice sense of duty in maintaining the interests committed to his charge under all circumstances, he was distinguished not less than for his

great intellectual vigor, and wonderful fertility of resource in the emergencies of his professional life.

Resolved, That in reviewing his life, professional and personal, and his qualities as a lawyer and a man, we behold a character well worthy to be admired and venerated by those who adopt as their standard of excellence only the most eminent and approved models, whether of the present or the past.

Resolved, That in his personal characteristics, such as his love of justice, his exalted integrity, and immaculate purity of character, his fidelity to the demands of friendship and affection, his sympathy with want and suffering, and generous but unostentatious contributions to their relief, and his tender ministrations to the afflicted and those needing his aid, we see traits of character having even higher claims to our admiration than those magnanimous impulses of chivalrous self-devotion for which his name has become almost a synonym among us.

Resolved, That we request that these resolutions be entered upon the records of the Courts of the State and of the Circuit.

Mr. SEWARD also read the following letter from Mr. JOHN K. PORTER :

FIFTH AVENUE HOTEL, N. Y., }
MAY 17, 1884. }

My Dear Mr. Seward: I regret that the infirm condition of my health will not permit me to accept

your kind invitation to say a few loving and brotherly words of our deceased friend Charles O'Connor.

I owe a grateful tribute to his memory, and shall not fail to pay it in another form when I regain my strength.

The almost simultaneous deaths of Mr. O'Connor, Mr. Benjamin and Judge Black, have left a blank in Anglo-Saxon jurisprudence which may not be filled for many generations.

If, with the observation and reading of nearly half a century, I were called upon to name the three greatest men of Irish lineage who have illumined the annals of New York jurisprudence, I should have no hesitation in naming Charles O'Connor, James T. Brady and Thomas Addis Emmet, and in the order in which I have named them.

If I were called upon to name the three greatest lawyers this country has produced, I should have just as little hesitation in claiming for our own imperial State the highest honors, in the names of Alexander Hamilton, Nicholas Hill and Charles O'Connor. They are all dead, but behind them they have left lustrous and immortal memories.

Yours most sincerely,

JOHN K. PORTER.

The Honorable

CLARENCE A. SEWARD.

Mr. CHARLES A. PEABODY then said :

Mr. President: I am compelled by the reticence of gentlemen better able than I to give voice to the

feelings which have brought us together on this occasion, to break the silence which has followed the reading of the resolutions.

It was my fortune, sir, to know Mr. O'Connor very intimately for more than thirty years, and my admiration of his character as a man and as a lawyer was not diminished by increased familiarity, but grew and strengthened with increasing knowledge of him. He was, sir, in the estimation of contemporaries, as you have justly said in your introductory remarks, *facile princeps* at this Bar, and better judges than I have assigned him much the same place at the Bar of the United States. The completeness and efficiency of his intellectual equipment for his profession were never questioned, and just as little were the zeal and energy with which he acquitted himself in response to the calls of a long and varied professional life. He was a most original man in matters large or small. Nothing about him was the result of borrowing or imitation. His character stood out in its own proportions in all its parts—those less public and conspicuous as well as those more so. In his professional life, as well as in his personal character and bearing, he was throughout life eminently himself—pure and simple—the exponent or imitator of no one. It is not common, sir, in the profession to which we belong, where so much of learning and acquisition is required to supplement natural endowments, however abundantly possessed—in which training and attainment enter so largely into the formation of character; it is not common, sir, to find in the ranks

of such a profession men so wholly original, and in whom so little of nature has been surrendered in exchange for art and attainment. Subjected to the same influences of preparatory education and professional training, we find ourselves imperceptibly pursuing the course of thought, and unconsciously copying, at least in the matter of manner, the professional deportment of those about us, and especially of those whom we like or admire. Mr. O'Connor had nothing of this in him. He adopted no person's peculiarities of mind or manner. He did, however, by his own, it was sometimes said, attract and fascinate others, and became the object of imitation to men who adopted, unconsciously to themselves, some of his peculiarities. He was as original as a trained man in a trained profession can well be.

For nearly half a century Mr. O'Connor was the particular attraction of this Bar. The qualities of his character on which his eminence was based were of the most substantial kind. He was not a flowery orator. He had not the power, by oratory, of fascinating popular audiences, which other men among his contemporaries possessed. He was not an Ogden Hoffman or a Rufus Choate, but he had the power of appealing to the understanding and judgment of those whom he addressed, and of carrying conviction to the intelligent mind to an extent that no one among us has ever surpassed, and very few, if any, have ever equalled.

The strength of Mr. O'Connor's character as a lawyer was very marked. There was no department

of learning in his profession in which he excelled more than in others. He was excellent in all, and in a new sphere of professional occupation he immediately became as distinguished as he was in the spheres more frequented by him. During the later years of his active life he was repeatedly engaged in cases which must have presented questions of almost entire novelty to his mind ; but with his power of persistent and rapid labor, he was equal to every such occasion, and that not only to the manful discharge of his duties, but equal as a master to attracting the commendation of those who were capable of appreciating his efforts.

His courage, his fearlessness in attacking obstacles, was remarkable ; nothing daunted or discouraged him. I do not think he knew such a feeling as fear or distrust of his case. He always felt himself equal to the attainment of justice. He never stated and never claimed what he thought was not in truth and justice defensible. Perfectly conscientious in his positions at all times, he never seemed to fear that there was the least danger of truth and justice being permanently defeated, or that he himself should shrink from any encounter to which he was exposed in their behalf. This came largely from a naturally brave and determined mind, no doubt, but it came, perhaps, quite as much from his all-sustaining faith in truth as he saw it. He was remarkable for his fidelity to truth and his ever abiding confidence in the fidelity of truth to him and his cause. He never stated the position of his adver-

sary which he was going to attack, unfairly, or in a way to detract from it or impair its strength. He never sought to minimize the obstacle he had to encounter. On the contrary, sir, I have time and again heard him state the position taken by his adversary preparatory to his attack upon it, with more clearness and force, and in a way to give it greater effect with the court than his adversary himself had been able to do.

Mr. O'Connor was gifted with another talent not often dwelt upon in eulogy, but scarcely of secondary importance to success. He was capable of great and persistent labor. He believed and acted on the maxim, "*labor omnia vincit*;" and it is hardly too much to say that his life is a literal vindication of its truth, for the obstacles he had to overcome might, without a very broad departure from truth, be said to have been "*omnia*." Occurring in most characters, aspiration would have been stifled and advancement barred. His opportunities for general education were very scanty. Indeed, he can scarcely be said to have had any. He sought and attained his own education in defiance of adverse circumstances, not by placing himself under the tuition of teachers; this was beyond his power, but by working it out and making it for himself, wringing it per force from reluctant and grudging adversity. His industry was unsurpassed; but his industry, without great intellectual powers and ability to labor, and great determination and force of will (which last was as abundant in him as any quality of his character), and without his perfect self-reliance

and fearlessness of difficulties, would never have brought him from his very humble position at and before the time he entered the Bar, to the eminence he achieved in subsequent years.

At the age of nineteen, when a clerk in an office, and having no other external aid to prestige than the force of stern necessity, he was in the habit of trying causes, often in justices' courts. He was constantly employed to try such causes by lawyers many years his seniors, and in the middle walks of life. He became even then, while still a boy, attractive to attorneys who had business with which they were not willing to trust themselves on the trial in court. And so he went on until his services came to be sought in every case of the first magnitude in the State of New York, the commercial emporium of the country, and I may safely say in most cases of that kind throughout the country.

He worked with great rapidity, but he was also very laborious, a very great student. His nights, throughout the active part of his life, were devoted in large measure to toil in his library; so much was this the case in the earlier part of his professional life, that about the age of thirty his general health became impaired, and his sight failed him. He lost the power of using his eyes almost entirely, for a time. And, as he told me, it had not before that time occurred to him to attempt to save anything from his earnings. He had been receiving a fair income, and intended at a future day to make due provision for old age and casualties. But at the time his sight failed he had

not yet begun to lay aside or accumulate. He had to withdraw from practice and give his eyes rest for a considerable time. I think he went to Europe then, for the first time. On his return, finding himself improved in general health and his power of vision largely restored, he resumed his professional pursuits, with the success of which we, sir, and the world know.

His fertility of resource and power of adaptation were very great. If facts changed in the course of a trial, his mind saw the effect near and remote, direct and incidental, as if by intuition, in a moment. Surprise seemed no surprise to him. He summoned everything from near and far to meet the new condition of things, and was as well prepared for it as for the state of facts for which he had originally prepared himself.

The generosity and magnanimity of his character are properly referred to, and not overstated, in the resolutions. His judgments and feelings respecting his professional brethren, and the acquaintances of his earlier and later life, were certainly in the later years of his life most kindly and generous. In the contests of his profession, like other men having the power, he gave hard blows, undoubtedly, when he felt they were required. He had an effective weapon, and, when occasion demanded, he did not hesitate to use it vigorously, whether in defense of his cause, or of his own treatment of it, if personally assailed.

Some of the anecdotes of his early life were supposed to be indicative, more or less, of an inclination

to sharpness, or severity of speech. I remember telling him of such an anecdote imputed to him, on one occasion—a playful piece of sarcasm respecting a brother lawyer. After I had told him the story, he said, with much emphasis : “ I don’t believe, Peabody, that I ever said it. But whether I did or not, I ought not to have said it, and don’t you ever repeat it again I beg of you.” He disliked very much the reputation of making severe or pointed remarks about persons, and always assumed the defensive when such were imputed to him in conversation. His playful remarks were sometimes perverted and repeated as altered. He was quite playful with friends when relaxed and at ease, and not a few of his witticisms have gained currency at the Bar, which will survive their author and drift onward with his reputation in other respects, altered (for the worse if at all) in the course of transmission.

In the later years of his life, for fully twenty, he was in bad health. About the time of the late war he was in very bad health for some years. After that he improved a little and did some business. For the last ten years of his life he did very little. For the last three or four years, as we are generally aware, he resided out of the city and in a neighboring State, where he did none at all.

I must allude to his forgetfulness of self. There was no subject that was too laborious, none that required too much self-sacrifice for him to embark in and expend his energies upon for a friend, as I have often had occasion to know and am glad of this oppor-

tunity to acknowledge, and there was no limit to his expenditure of energy when once he had embarked. I recollect his saying to me one day, "I work on anything I attempt to do as hard as I can for my life, as you know." He did work with all the strength given to him whenever he attempted to do anything.

His penetration, his power of discernment of principles and their effects in application, was very great. He seemed to look deeper into a subject than other men. He would take up a subject and present a totally new consideration of it, other counsel having already opened. He would lay it open to a lower depth, showing its connections and bearings, remote and near, direct or inferential, and all its various features and ramifications, at a depth to which no other man was likely to go, or if at all, only to follow his lead.

He has gone, sir; he has finished a noble career and left a noble memory. To paraphrase a single line of the poet—his was a noble end by noble means attained. To the attainment of that end he had one support and stimulus which should not be overlooked; he had at all times, what was of special influence in the earlier part of his career no doubt, the consciousness of a most honorable birth and lineage coupled with a veneration and love of parents, which never forsook or ceased to animate him throughout his long and eventful life.

As to his moral and social characteristics, there was as much that was interesting in them as in his

intellectual qualities. That part of the resolutions which alludes to his benevolence—his charitable and philanthropic character—is most just, although his character in those respects may be less generally known. It is not in this case as it is in many cases, a matter of mere formal commendation. It is true, and it was richly deserved. Instances of his philanthropy, of his sympathy, were very frequent among us. He had a habit of making them as little public as possible. When I was a young man, I happened to learn of this : a gentleman upon the bench of one of the courts of this city had been unfortunate. He had lost his property. His household furniture had fallen into the hands of the sheriff and was about to be sold. Nothing could be done. It was shortly after the great panic of 1837. He had a wife whom Mr. O'Connor had known slightly. The property had to be sold at auction. An obscure man stood by and bought every article. This man was known to some of the persons present as unable to buy property of any amount. But the bill was made out and paid. Shortly after that a deed of trust was made. Mr. O'Connor's name did not appear in the deed. But it was made, and by it the property was settled upon the wife of the judge and upon her posterity. Mr. O'Connor furnished the means, and furnished the obscure man to avoid having his own name known. But the judge discovered his benefactor. He called upon Mr. O'Connor to express his gratitude. But Mr. O'Connor, with a sensitiveness which was more marked in him than in any other man I ever knew, the moment the judge began to talk

pathetically and show emotion, was so far overcome that he had to bring the interview to a close, and begged his visitor to desist. The judge was accordingly bowed out of the office, and Mr. O'Connor relieved from a position in which he was from the strength of his feelings unable to maintain his self-control.

I was much with him at the time of *the* great affliction of his life; when he was more completely overwhelmed with grief than any other man I ever saw. He always resisted the exhibition of emotions of the kind to the extent of his ability, and in his efforts at repression acquired a seeming sternness and almost severity of manner which to some persons appeared to be evidence of a cold and unsympathetic nature; his very weakness in that direction, betraying him in his efforts at self-control into an appearance of the opposite extreme.

In 1875, he was very sick, and was reported to be dead throughout this country and in Europe. Obituaries of him were published at length, especially in Europe, where the error of the reported death was less promptly corrected. A friend of mine read one in Vienna, and wrote to me on the subject in the spirit of condolence, knowing my relations with him. One of the first things he did, after recovering sufficiently to do anything, was to call to him his fondly-cherished stepson, the only surviving descendant of his beloved and much lamented wife, and ask him to make out a check for a man whose misfortunes had reduced him so low that Mr. O'Connor had bought and held a mort-

gage on his house to enable him to retain and live in it without payment of interest. He had held the mortgage for years, and in addition to that had made him a semi-annual allowance to enable him to live in his house. Not thinking for a moment of the possibility that this man, who was more than ninety years of age, would outlive him, he had made no provision for that event in his will. This he said had troubled him much in his illness, and at the earliest moment of his recovery he sent this check to the old gentleman, with an explanation of the delay, and at the same time added a codicil to his will providing for the mortgage and the allowance in case of his own death occurring before that of his beneficiary.

The last scene of his life, Mr. President, was one of very great interest. When sick in 1875, he had no desire to prolong life. He told me, when he began to recover, that he had never at any time during his illness wished to continue his life. That when he had rallied for a moment into consciousness he had sunk away with the hope that that might be the last. And it was so in his last illness. He did not from the first desire to have life protracted. He simply wished to have pain assuaged, if possible. You may recollect, sir, that the last words of the good old man heard by mortals were—"My God." Shall we suppose, sir, that he uttered those words in prayer? Or shall we suppose that at the moment he uttered them he had, or fancied that he had, passed the bourne whence no traveler returns, and was or thought he was already in the presence of the great Author of his being,

whom he thus addressed? Whichever interpretation is adopted, it is such an expression as a good man may be expected and desire to have on his lips at such a moment.

MR. JAMES C. CARTER said :

Mr. Chairman: If any proof were needed of the possession by Mr. O'Connor of the great qualities of mind and heart ascribed to him by the resolutions which have been read to us, it might be found in the loud acclaim rising from all classes and conditions of men which followed the announcement of his death. Rarely, indeed, has any private professional life exacted such a tribute. He had never filled any of the high places of patronage or power. Listening senates had never hung upon his lips. He had never initiated or led any great popular movement. He had never courted popular applause. He had habitually shunned, so far as he could, public observation. His more than fifty years of active labor had been devoted principally to the advocacy of private causes in the forum ; but when the curtain fell at the close of the last scene in the drama of his life, the applause, solemn but universal, attested the depth of the impression which that life had made. It was a proof that there was in it something greater than mere intellectual strength or forensic skill. It was a tribute not more to the lawyer than to the man.

I could contribute, Mr. Chairman, very little to the interest of this occasion by giving details of Mr. O'Connor's early career. What there is known of this comes to us only from the traditions of the Bar, or remains in the memories of those of his contemporaries who are still with us ; and even this, unless preserved by some competent pen, will soon pass away. We all know that his ambition made its own way from obscure beginnings, not assisted, as is the case with many, by powerful friends ; not heralded and applauded beforehand, as is often the case, by an admiring group of companions from school or college ; but that the recognition which his talents eventually received was won from reluctant breasts on the arena of actual strife.

When I came to the Bar, now something more than thirty years ago, his ascending star had just reached the zenith. A long series of minor achievements had been fitly crowned by his magnificent victory, won almost by his single arm, against an imposing array of talents and power, in the great case of *Forrest vs. Forrest*. The Bar of this city, speaking by the lips of one of its proudest members, had just bestowed upon him an unprecedented testimonial of its admiration ; and he stood the admitted leader among an array of names embracing those of Francis B. Cutting, James T. Brady, Daniel Lord, Edward Sandford, William Curtis Noyes, James W. Gerard, and many others scarcely less distinguished ; while he divided, at least, with Nicholas Hill the honors of supremacy in the Court of Appeals. From that time

until he chose to retire from the active pursuit of his profession, his occupations and labors, in extent, variety and importance, were prodigious. His opinions upon difficult questions in the law, his advice in important business affairs and in the conduct of litigations, were more sought for and more highly prized than those of any other lawyer; and to his labors in these directions, and in the trial of a great number of ordinary suits, he added the championship, on the one side or the other, of nearly every great cause which during that long period enlisted the leading spirits of the Bar.

I think there is a disposition among us to believe that the Bar in recent times has degenerated; and that the great luminaries of former periods, both in England and in this country, have not been matched by the present generation of men. But, nevertheless, I believe it would be the deliberate judgment of those who have enjoyed a close acquaintance with Mr. O'Connor, and have frequently witnessed his various powers in their full activity, and observed the prodigious extent of his acquirements, that he was, all things considered, the profoundest and best equipped lawyer that has ever appeared at this Bar, and that he would not suffer in a comparison with the great lawyers of any nation, or any time.

In those powers and arts of persuasion which engage the interest and carry the convictions of ordinary men, and which exercise such a control over the jury box, Mr. O'Connor often found his superiors; but the verdicts won by him could rarely be overthrown,

while those won against him could seldom be deemed secure until the judgment had been ratified by the Court of last resort. In all other departments of the law his superiority was manifest. The whole realm of the Common Law was as familiar to him as his daily walks, and one might imagine, while observing the precision with which he would insist on its artificial and technical rules, that his mind would be incapable of dealing with the contrasted system of Equity. But, in truth, his superiority there was even more manifest; and if he had any preference in his studies, I think it inclined him to the larger and more liberal jurisprudence, with its high moral refinements, resting more directly on the broad foundations of truth and reason, and shaping and moulding its procedure and relief to the end of working out justice in each particular case.

But notwithstanding his pre-eminent mastery of substantive law, I think that if he was vain of any of his accomplishments, it was of his skill in the law of pleading and procedure. He could have stepped into Westminster Hall and argued a special demurrer with success against Sergeant Williams himself, had they been contemporaries; and I have known him to be as much chagrined at some slight omission or oversight in the preparation of papers for some common motion as other men would have been by the loss of a meritorious case. Certainly we have never known any one at all comparable with him as a draughtsman. His pleadings were beautiful examples of art, and in his later years, when he had more

leisure, to draw a bill in equity or an answer, was a genuine delight to him.

If it were asked to what particular trait or faculty his great pre-eminence was due, the answer would be difficult. I think none could be specially assigned ; but that it should rather be attributed to a rare and fortunate union of many of the highest intellectual and moral qualities. One might easily have inferred this from a glance at the fine, shapely, magnificent development of his head. It was, indeed,

* * * * "Ambition's airy hall,
The dome of Thought, the palace of the Soul."

He had a peerless memory, and a power of concentrating his attention upon a given subject, to the exclusion of every other, to such a degree that he seemed at times to live only in the enforced trains of thought which passed through his mind obedient to his will ; and he had a masterly power of analysis. But even these imperial faculties would have been inadequate to accomplish the results which he achieved, had they not been aroused, animated—inflamed—by an all-absorbing love of his work—a love of truth and excellence for their own sake, which in him amounted to a passion. It was this which made him the man of genius he was—which converted all his labors into play—enabled him to dispense with all pastimes and recreations ; sleep alone seemed necessary to reinforce his activities, and was almost the only interruption to his labors.

I have had some opportunities for observing his methods of study, and they are worthy of notice. He did not, I imagine, start out in his professional career with any very great provision either in the way of general knowledge or mental training. He began the practice of the law with the trial of small causes at an age when most young men are still engaged in preparatory studies. As in the case of a great Roman lawyer, "the forum was his school, and practice was his teacher." But it did not take a mind like his long to discover the true mode of equipping himself for his work. I presume that his method in his mature years had been pursued by him from the beginning. His custom was not to give his time to general legal studies, with the view of gaining a general acquaintance with such branches of the law as might be less familiar to him, but to convert his ordinary occupations into a means of acquiring a deep and precise knowledge of special subjects. If he was called upon to deal with any unfamiliar question, he did not stop with that superficial knowledge which might be sufficient for his immediate purpose. Once engaged in the study, he would not halt until every corner of the subject had been explored. He knew that every statute, and every doctrine of the unwritten law, had its reasons—had a philosophy, and also a history, and he would thoroughly fathom the one and explore the other; he would go back to the original statute, or the original decision, trace the successive changes by legislation on the one hand and by adjudication on the other, store the results in his capacious and retentive memory,

and set them down in writing for future reference and use. It was this profound study of the separate topics of the law—each successive acquisition illustrating, enlarging, and becoming blended with the others—which gave to his knowledge its extraordinary fullness and precision.

Impressive and powerful in his oral efforts, he yet appeared, as I think, at his best in his written or printed briefs. Upon the composition of these he lavished all the resources of his skill and acquirements. He had much imaginative power, and had gained a familiar acquaintance with the best things in literature, especially in philosophy, history and old English poetry. He had acquired, or created, an English style of marvelous purity and precision, and when his briefs finally left his hands they were indeed masterpieces. They were not swollen with redundant learning, but exhibited the choice results of blended thought and learning—all arranged with infinite art, with resistless logic, and redolent with a fine breath of philosophy, satire, wit and eloquence. As he appeared in these compositions he might be described almost without exaggeration in the lines once applied to Lord Bacon—

* * * “deep, comprehensive, clear,
Exact and elegant ; in one rich soul
Plato, the Stagyrte, and Tully joined.”

His unpremeditated oral arguments were always interesting. He was a perfect adept in the whole law of evidence and *Nisi Prius*, and would upon the in-

stant, when occasion called, in the progress of a trial, display a precision and range of knowledge which easily eclipsed that of other men.

He was a born champion. He liked to have an important case brought to him in the first instance, and to work out beforehand the lines of prosecution or defense, as a general would lay out his campaign. He would first possess himself of a thorough and accurate knowledge of the facts, down even to minute details, determine the principles of law which would eventually control the fortunes of the controversy, the legal methods by which such principles were to be asserted, the precise points both of law and fact upon which the principal contest would arise, take into account the witnesses likely to be summoned, consider what adversaries he was likely to meet, and the line of action they would probably adopt, frame all the pleadings himself, and make special studies of particular features of the controversy. His inclination was to seek as little assistance as possible from others. He preferred to do everything for himself; and thus working, when the day of trial came and he stepped to the front of battle, proud, confident, defiant, he was the *beau idéal* of a forensic champion; clad in complete steel, impregnable against every assault, every position guarded, and ready to take instant advantage of any slip made by his adversary.

I must say a word concerning his personal character and bearing. I suppose it to be true that he has left in the minds of many the impression that he was a harsh, severe and unamiable man. But this I be-

lieve to be, while not wholly without foundation in his behavior at times, altogether unjust as a general and final estimate. More than any other man whom I have ever known, he exhibited in his professional life a demeanor altogether different from that which marked his private and personal life. Indeed, he seemed to live almost two separate lives. As a lawyer, he regarded himself one of the priests in the temple of justice, charged with an official function and an official responsibility. This was to represent a cause—a side—to devote himself to it, and to live wholly in it. He regarded it not only as permitted to him, but enjoined upon him, to employ in behalf of his clients every legitimate art ; but he had reflected often and deeply upon professional ethics, and had distinctly drawn the line beyond which truth and honor commanded him not to step. Anything in the nature of affirmative misrepresentation, or dishonest trick, was an abomination to him. Reserve and secrecy were lawful weapons with him, and he felt bound to make the most of them. It was a common observation with him to his associates, that we are not permitted to mislead, but we have the right to keep our own counsels. Hence, in his professional life, in his office, or in the courts where he was most frequently met, he was wont to surround himself with a forbidding and mysterious air, and appeared severe, austere—repellant. Many took this as a manifestation of his real character, whereas, in truth, it was but one of the instrumentalities of his art, by which he often bewildered and confounded his adversaries. At

the same time, in the circle of his friends, in his, or their homes, he was like the gentlest of men, warm, friendly, generous, magnanimous. He was a most liberal giver, lavish to a fault of his money, and lavish also of what was more precious to him, his time and his thoughts. It was often difficult to retain him, such was the pressure of the undertakings which at all times rested upon him, and he would accept no retainer unless he felt able to devote his best services ; but in such cases, and especially with his old and less fortunate professional friends, he would willingly listen to statements of their cases, and pour out from the storehouse of his acquisitions anything which might afford aid or assistance ; would often put in writing for a friend, in exquisite style, what he called his "impressions," but which more resembled finished arguments, and resolutely refuse any fee. That the sterner and harsher features of his external behavior, to which I have alluded, were really a part only of his professional and official character, so to speak, is well illustrated by the fact, to which all who have known him in recent years will willingly bear witness, that as he gradually withdrew from professional activity, it became very difficult to engage him in a cause where there was even a distant chance that he might encounter adversely any old friend, or even the children of old friends. At the same time the gentler and softer parts of his nature resumed their natural ascendancy ; and I have heard since his death some of those who made up the little circle which gathered around him in his retirement in Nantucket, and who

had never known him in the active part of his life, express with enthusiasm and with tears what a delightful example they had found him to be of an interesting, instructive, gentle, lovable old man ; and also declare that they found it impossible to imagine that he could ever have appeared in any harsh or forbidding aspect.

A great Roman writer wishing to embalm for posterity the memory of one of his countrymen, was content with ascribing to him three principal qualities: good faith, an independent spirit, constancy in friendship ; which he declared to be "*præcipua humani animi bona*,"—the prime virtues of the human character. All these, in their fullness, Mr. O'Connor possessed. Who ever knew him to disregard the smallest obligation of good faith? Who of us have ever known a character more self-poised or self-reliant? Who has ever known him to be insensible to gratitude, or to betray, or even to forget, a friend? It was these qualities which made up in him a character of genuine and rare nobility, the impression of which will remain long after the generation which knew him shall have passed away.

I remember the glowing praise once bestowed by a distinguished English divine upon a great luminary of the English Bar, I mean Sir James Scarlett, and, with very little modification, it may be applied to our departed leader :

He was the greatest lawyer of his time. He never carried his soul to the public treasury and said, "What will you give me for this?" He never sold

the warm feelings and honorable motives of his youth and manhood for an annual sum of money and an office. He never took a price for public liberty and public happiness. He never touched the political Aceldama, and signed the devil's bond for cursing to-morrow what he has blessed to-day. Through a long career he cast honor upon his honorable profession, and sought dignity, not from the ermine or the mace, but from a straight path and a spotless life.

Mr. FREDERIC R. COUDERT said :

I might well hesitate to address this assemblage after the glowing tribute paid by so competent a judge and so warm a friend as my brother Carter, to the memory of our deceased associate. But I am here to say one single word—adding nothing of oratory and little of fact—giving you no new materials upon which to form your judgment or with which to increase your respect, but simply because I am proud to respond to the call made upon me, and to bring my small tribute of affectionate veneration to our brother.

You have said, sir, and the thought struck me with great force, that although this is an occasion when we are united to pay a tribute of respect to a dead brother, yet it is not an occasion of gloom. Although that remark may seem at first sight to contain two inconsistent propositions—for it is always an occasion of sad and sober thought when we realize that the form we have known so long will never

again be seen in the flesh, yet there is so much to rejoice over, so much to be proud of, in the lustre thrown upon our profession by the life and the death of Mr. O'Connor that, as you have truly said, this is not an occasion of gloom. Above the tomb of this dead lawyer no broken shaft is raised to tell of blasted aspirations — of youth blighted in its promise; but rather the testimony of a full, great, glorious and well-rounded life; the history of a man who had done his duty from the beginning to the end, and who received death as a gentle and loving friend that took the burden from his weary shoulders and consecrated his fame forever.

I cannot on this occasion divest myself of the thought, and it impressed me particularly while listening to my eloquent brother, that if Mr. O'Connor could have found any fault with that beautiful and most touching address, and if he could have expressed any wish to those who were to follow, he would have said — "No more — no more of my titles to fame. Say rather a word that will make me endeared to my brothers. I would rather have a tear upon my grave than all the peals of triumph that the most glorious record could give me."

Mr. O'Connor died at that spot which he had chosen for himself and which protracted his life, you may say, for half a score of years. And the reflection came to me, and I think it will strike you all as an apposite one, that the chosen spot was much like one of those fabled islands in a lovely lake of his ancestral land, where death was never allowed to enter. Those who

were fortunate enough to reach its shores found the certainty of unending life. Multitudes hurried thither fleeing from the pursuing and dreaded phantom. . They rejoiced exceedingly when they touched that enchanted island where death had no dominion. But after a while the tedium of life became too strong—the weight of accumulating time and care was too heavy, and they left that land to find some other shore where the kind and beneficent hand of death could be felt. So it was with Mr. O'Connor. He found health in his island home. He found what in the case of other men we might call rest—if you can associate rest with Mr. O'Connor, except in the grave. But at last the accumulating burden of threescore years and ten—and ten more—proved too great. Physical infirmities that touched him all over, except in the citadel of his mind, were too heavy, and he held out his arms and welcomed death as the friend that was to lighten his toils forever and give him what he could not find here.

Mr. O'Connor's life, as detailed by my eloquent friend who has just spoken, is known to all of us, and better known now that we have heard that striking commentary from his lips. Yet it seems to me that the most endearing aspect of that life is beyond the reach of mere eulogy of his powers as a lawyer. That he was a great lawyer, and the greatest lawyer ; that through all obstacles and at every sacrifice, except the sacrifice of his self-respect, he gained his eminence, none need now be told ; but, above all this, Mr. O'Connor would have desired us to remember and to perpetuate some of those little traits which would em-

balm his memory in fragrant roses in the hearts of his brethren. Probably a more generous, a more kindly man never lived at this Bar, nor a man who struggled through more difficulty to reach eminence. I remember the expression of Mr. O'Connor himself, when speaking of the most brilliant, the most beloved, the most magnetic and the greatest of our brethren of this generation—Mr. Brady—speaking of his struggles in life, he said ; “ He was born in unfashionable surroundings ; he was sprung from an unfashionable race ; he belonged to an unfashionable faith, and yet with all these disadvantages to darken his prospects and to delay his advancement, to what eminence did he attain ? ” and to what eminence did Mr. O'Connor attain, to whom the same words would apply, whose early surroundings were similarly unpromising ? One of Mr. O'Connor's favorite students told me some years ago an anecdote which I would like to narrate here simply as one of those sample stories that may depict the man. On one occasion, a boy, poor, friendless and unprotected, ragged and in distress, called to see Mr. O'Connor, and asked to have his name sent in. It was ludicrous as well as pathetic. Mr. O'Connor's time was too valuable for him to speak to bootblacks. But he received him, and the clerks in the outer office could hear him scold the little man, who went away apparently baffled and disheartened. A few moments after, Mr. O'Connor himself went out. Some of the young men in the office followed him, and they saw him walk up to Chatham street, where boys of that class congre-

gated, and he singled out this boy who had been in his office a few minutes before, and he took him into a clothing store. A few moments later, the little Arab, transfigured and transformed into a human being, left the shop, and they saw Mr. O'Connor giving him money besides. If this was meant as an atonement for his impatience, it was a royal atonement. But it was rather a manifestation of his true nature—the other scene was a simulacrum—a false pretense. For there were false pretenses in Mr. O'Connor; and all who knew him know that he was a man full of false pretenses of that kind. His natural emotions of love he kept down. His promptness to help distress he concealed. His readiness for sympathy was too great and too sacred to be shown to his brethren or to strangers. But, perhaps, when he was laying down his burden, the scene in Chatham street with this little helpless boy before him was a sweeter memory than his triumph in the Forrest case, or in any other case, and will stand him in better stead.

I do not know, sir, what more I can say on this subject. I can give you no reminiscences that will make you think of him more kindly or more admiringly; and yet I know that there is much to be said of his generosity and his unselfishness. One single topic, I think, was omitted by my learned and accomplished brother, and that was the estimate in which Mr. O'Connor held his fellow-lawyers. I have heard him speak of those who had been with him in the arena for forty years, the living and the dead, and never did I hear one single unkind syllable from his

lips concerning them. I know that his language, as a rule, was eulogistic of their talent and character. I know that if they had weaknesses, he thrust them aside in forming his estimate, and that he was ready and apt to place them upon a pedestal for our admiration. Of such men, especially of Francis B. Cutting, he spoke with delight and with peculiar love, and if I may deflect from the regular order of these exercises, when I speak of Mr. Cutting, will my brethren pardon me if, at the same time, I say one kind and loving word of a gentleman who was in Mr. Cutting's office many years, who helped to prepare the briefs in some of the causes in which those two Titans met and fought their battles, and who died on precisely the same day as Mr. O'Connor, I mean our brother McDaniel, a genial, honest, truthful gentleman.

There is one thing more, and it is the last I shall allude to. The subject is almost too sacred and too delicate to touch ; that is the deep religious convictions of Mr. O'Connor. It is true, as he said of his brilliant brother, he belonged to an unfashionable faith ; but that faith he kept from the cradle to the grave. It was a help to him in the temptations of life. It was a comfort to him in the approaching agony of dissolution. He had gone twice, to use his own language, through the valley of the shadow of death. He was not anxious to be brought back. He had lived a faithful life. He had never thought it necessary to affirm his intellectual superiority by denying the common truths of the faith to which he belonged, nor did he think that he was less a man

because he was a Christian. And at the last moments, surrounded by the consolations of that venerable church of which he was a devoted son, happy to leave, happy to go, even from the happy surroundings with friends and kindred and independent age—with all these about him—smilingly welcoming death, he left behind him the record of a beautiful and blameless life.

MR. WILLIAM M. EVARTS said :

Mr. President, Gentlemen of the Judiciary, and Brethren of the Bar: No one could desire more than myself to participate in every due form of honor and of praise to our deceased brother, Mr. O'Connor, and when the Committee thought that I might add something to what should be said by the speakers who were to precede me, I felt that many, perhaps all, of the topics would be adequately and completely occupied, and that I certainly could not expect to improve, and at my best could only hope to repeat them. But yet I find that one of those advantages which are so readily accorded by our brethren and are never refused, advancing years, has enabled me to speak, perhaps, with personal knowledge of a larger proportion of the span of his great professional career than those who have preceded me.

I came, sir, to this city from the law school in 1839, and had the great advantage of being received into the office of the eminent and excellent lawyer who

then stood at the head of professional employments in this city—I mean Mr. Lord. Two very distinguished lawyers, older than he, Mr. Griffin and Mr. George Wood, both filled active employments and had lost none of the prestige and the power that belonged to them for many years. There were two other lawyers who were fully recognized as promising to become the leaders at our Bar, and supplant, in due course, all the great lawyers who occupied the arena. These two lawyers were of the same age, and combatants against one another, in all of the causes that belonged to their age in the profession. I mean Mr. Cutting and Mr. O'Connor. And I know that no pang ever touched the heart of Mr. O'Connor more closely or more tenderly than the earlier departure of this great lawyer, his friend and his opponent. Gentlemen who were present when Mr. O'Connor gave utterance to the full outpouring of his heart on that commemorative occasion remember how he said, and how sincerely he was believed when he said : “ If that process spoken of in the medical profession by which the life of one man could be saved by the transfusion into his veins of the blood of another, at the cost of that other's life, could have saved Cutting, I would have made the sacrifice for him.” Admitted to the Bar myself in 1841, these two leaders, who were at that time interesting the attention of their seniors and greatly engaging the observation of the younger and growing members of the profession, stood at the age of thirty-seven years, and, thus, you will perceive, that though the earlier period of Mr. O'Connor's life had

passed before I could observe or know of him, I do include from that date of his assured eminence in our profession—which never changed except to grow and advance step by step in his life—a personal witness of his employments and the multitude and dignity of his occupations, down to the end.

How I came to be personally acquainted with Mr. O'Connor, I scarcely recall. Probably, it was without any formal introduction and by some kind notice on his part, in some litigation in which I had appeared as an antagonist, or as a subordinate. From that time on until his death our associations were in great part professional. The occasions on which we met socially, from his somewhat reserved habits in the matter of society and social entertainments, and from my being so much younger, were comparatively infrequent. But I may say that whenever we had occasion to meet as opponents, or, which was more rarely, as associates, in the great litigations in which he was constantly employed, there was in every respect kind acceptance on his part of the respect and regard which I always felt and exhibited towards him. I cannot detail the multitude of his engagements that attracted attention and that will make the record of his professional career. I cannot occupy even much attention with the considerable number of great cases in which I had the fortune to be employed, in opposition to him, and more rarely in association with him. But I think I can say with your entire concurrence, that no cause which he represented suffered, in its defense or in its prosecution, in any of the qualities, mental, moral or

personal, that should be at the service of clients, that should be at the service of the administration of justice, and the maintenance of the law. Whenever he carried the day triumphantly he carried it by open and by manly strength, skill and courage, and whenever he was overborne in the contest—not often, to be sure, by personal triumph, but by the law and the decision—he was always ready and frank and generous in admitting that the strength and the skill of his opponents had gained the victory.

Mr. O'Connor, as a man, by the very constitution of his nature, formed very confident, very definite and very deep opinions on all the matters that make up our intercourse at the Bar and in the community. He had opinions well marked of his friends and of those who were not his friends. He had very definite estimates and measures of the comparative power, learning, sincerity and value of his legal brethren. But I think I can say, in confirmation of what those who spoke before me have said, that he never took pleasure in giving expression to disparaging views or to severe condemnation, and that he was always ready to make up, for his condemnation of a particular characteristic that he could not approve, by assigning prominence to other traits that were meritorious.

Mr. O'Connor is often spoken of as having enjoyed no early advantages for a career in our profession. The son of an Irishman expatriated for his patriotism, himself at home a gentleman and a man of good estate, and overpowered by some disastrous reverse of fortune, Mr. O'Connor, as a boy, was subjected to the

harshest experience of poverty. Well, let us admit that the child's privations and the child's griefs were hard to bear. But never let us forget, in the experience of our profession and of its triumphs, most worthy of being commemorated, the truth that the discipline of poverty and of necessity is the one best assurance for the making of a great lawyer and the gaining of the great fame and the great enjoyments accompanying success at the Bar. Looking around our own Bar; looking at the faces of the dead that we have known; running through the list of the British Bar and of our whole country, we must all feel as a general and principal truth, that a young man of the best natural talents and of the best aptitudes of skill, of eloquence, of grace and charm, born in him, if when he leaves the lawyer's office, or the college, or the law school, with even enough wealth to keep him out of want, he starts just so far at a disadvantage in the race with others, not thus situated. Mr. O'Connor, endowed by nature with these prodigious gifts of intellect, of insight, of discussion, of manifestation, of oratory, and with the added power of industry, that if it was not born in him, was burnt into him by ten years of poverty and struggle at our Bar, had everything in his favor to make a great lawyer. Does this disparage his success? Does it make it any the less his own?

Now, in the earlier years of Mr. O'Connor's life, amid his struggles attending the first steps in which he was making his way to distinction, it is said that there was a good deal of sharpness, not to say bitter-

ness, in the speech of the young lawyer at that time, when emoluments and ease and wealth did not fall in the way of our profession so much as now. It must be remembered that when Mr. O'Connor was admitted to the Bar there were only 166,000 people in this city of ours, and only between three and four thousand people in Brooklyn, and Mr. O'Connor has had the singular fortune of growing up in his professional life with the progress of the city—then thought to be great, but become so vastly greater—without drawback and without any limitation; greater in the magnitude of professional employments and in the presence of wealth and of clients than is proportionate even to the magnificent progress of the population. We have seen, therefore, Mr. O'Connor growing up from the young lawyer of twenty to the great lawyer of fifty, of sixty, of seventy, and of eighty years, and at the same time this city growing up from a small community into this great union of two great cities of two millions of people, second almost to London in the magnitude of civic population.

Now, Mr. O'Connor, filling out fourscore years of age, attracts attention to the notable fact that three-score years out of that eighty years was the period of his career as a lawyer, and that throughout all that sixty years he could scarcely be said to have diverged to any of the other provinces of public distinction or of public service. Whether or not, Mr. Chief Justice, when Mr. O'Connor had reached the fullness of his power, of his fame, of his success, there had then opened to him, as might have been anticipated, all

the honors of judicial or professional and of political distinction, he would have chosen to accept them, we never can know. When the great change took place in 1860, by the transfer of the political power of this country to other hands than those which had seemed to have a hereditary and traditional possession of the Government, Mr. O'Connor was fifty-six years of age, then in great fame, and unquestionably, we must suppose, that, if the party he adhered to had then been in power, he might well have had open to him great professional places, the most prominent judicial preferment and distinction, and political employment. Up to that time he had marked out his own undeviating professional path, and he withheld himself from much participation in politics, though once or twice a candidate, I believe, for the suffrage of popular favor. But his own feelings, with reference to the changed condition of affairs, were of aversion to, and distrust of, the new political authorities that were put in charge of the National Government, and in pursuance of this fidelity to himself and his views, he discarded from his scheme of life the whole subject of political or judicial preferment.

Mr. O'Connor was pre-eminently a man without vanity. He was, if we may use a coarser phrase, a man absolutely hostile to every form of humbug. In the profession, out of the profession, in life, among friends, in society at large, in all public views, he never tolerated for a moment, he never admitted as an element of his praise and approval of others, this

taint of humbug, whenever it adhered to the character, or showed itself in the conduct.

Mr. O'Connor, as a lawyer, starting with the disadvantage of narrow circumstances, against which he had to strive, and enjoying at no time of his life the advantages of much education, was, in my judgment and to my perception, the most accomplished lawyer, in the learning of the profession, of our Bar. Indeed, I cannot be mistaken in saying that he was entitled to pre-eminence in this province of learning among his contemporaries in this country, and among the most learned of the lawyers of any country, under our system of jurisprudence. He used this learning never as an element or an opportunity of display or parade, but only as it was incorporated into the power of his strong arm and his will, and as his championship called for the exercise of what belonged to him as a lawyer.

As Mr. O'Connor went on in advanced years, there were many things that occurred under his eye, in the progress of things in this great nation of ours, that he could not look upon in the same light or with the same hopes that others, differently situated or differently trained, regarded them. I not infrequently had an opportunity, introduced, I think, always by himself, of a good deal of conversation about speculative or general politics, not of a party nature, and he was always acute and always courageous and always confident in his opinions, showing the same traits that upon the exact and more importunate occasions of professional contest he was called upon to exhibit.

Whether, remembering Mr. O'Connor's acuteness and energy, and his restlessness in regard to being unemployed, we may suppose that, in his retirement, he has prepared and left for us anything that will be useful to us in our own profession, or in the larger subject of the welfare and the future of our country, I am not informed. But let us hope, now that his life has gone out still brilliant at the last expiration, it may be found that he has left for the instruction and welfare of those who survive him, and of those who are to come after us, something that shall add permanently to the honest, clear-sighted and fearless criticism upon American affairs that he was capable of.

And now, Mr. Chairman, we have gone far beyond our hours. We have not come here to bury Mr. O'Connor. We have attended with reverent brows at his obsequies, which the church of the old faith has observed with the solemn consolations and honors which it bestows upon its devoted adherents. We are not here to praise him. He is praised by his own life, and that is known to all. But we have come to make up in some definite and permanent shape a due tribute to his worth, a statement of the feeling and the faith and the love that we felt for him and now offer to his memory. But we come here for still another reason. We come in recognition of the truth that it is in the career of great lawyers, in their power in their life, that we as a profession make our impression on the time in which we live. Mr. O'Connor well believed that in the free institutions developed in

our day, in Europe and here, the stress must finally come upon a well-equipped, courageous and upright judiciary, and an intrepid and independent Bar. Let us understand that whatever we, as individuals, may owe to our clients, to our families, to our associates, we owe to the law and the administration of justice, the final, the principal, the constant duty ; and if we are remembered well hereafter, it will be mainly for our fidelity to this paramount obligation.

The resolutions were, thereupon, unanimously adopted.



In Memory of
Charles O'Connor.





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